IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ petition No. 219 (S/S) of 2002
(Old No. 25066 of 1999)

Praveen Kumar Jha -------- Petitioner

Versus

Union of India through Secretary
Kuman Resource development,
Central Secretariat, New Delhi & six others .... Respondents

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner seeking writ of mandamus to command the respondents to consider his case for promotion, as according to the petitioner, juniors to him were promoted.

The petitioner is Post Graduate Teacher of a non-aided recognised institution run by Society.

A supplementary counter affidavit has been filed in which a categorical statement has been made that the case of the petitioner has been considered in the year 2000 under the Rules known as **Educational Management Board Conditions of Service (Teaching and Non-teaching Staff) Rules** framed by the Society. According to the said rules, the persons who obtained 50% marks in the selection process on the basis of A.C.R. and performance report and interview etc. shall by promoted. Since all the candidates of the PGT did not qualify the minimum required percentage, they had not been promoted.

Since the petitioner has already been considered according to the rules framed by the Board of Management

applicable in the institution and has not been found suitable, the prayer of the petitioner to issue a writ of mandamus to be command the respondents to promote the petitioner cannot be granted.

The petition is devoid of merit and is hereby dismissed.

(P.C. Verma, J.)

Dt. 17.09.2003

P. Singh